

# Moral Injury in Public Defense

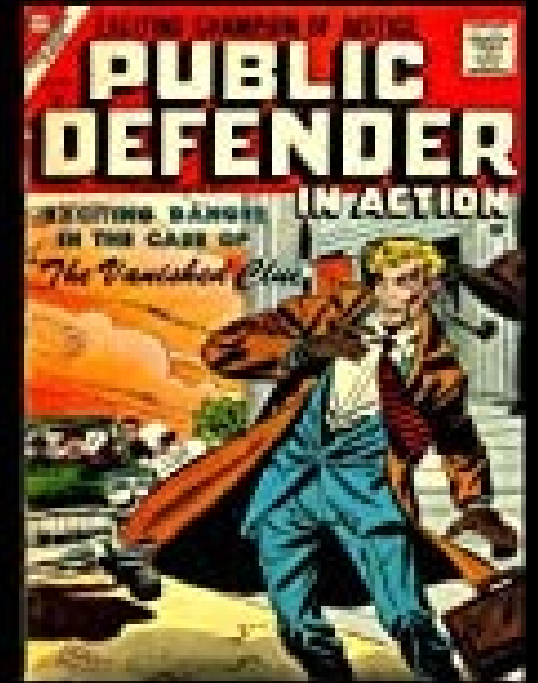
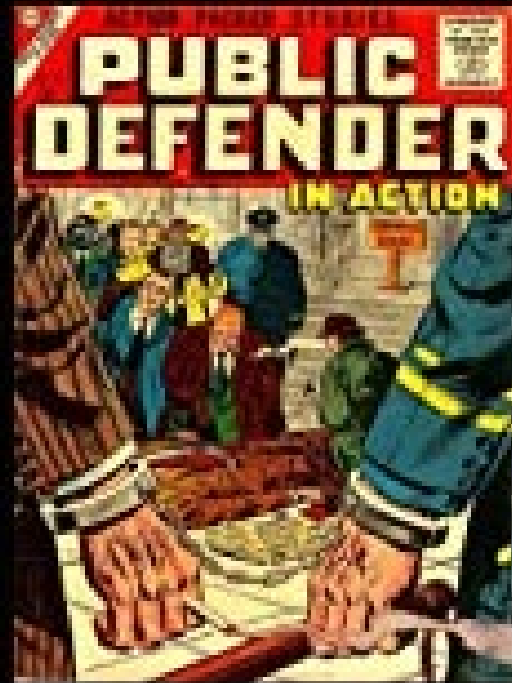
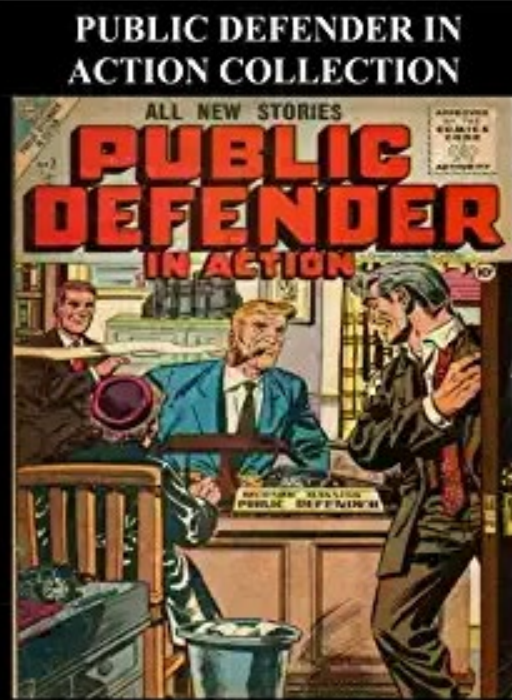
## May 9, 2023

3rd International Moral Injury in Occupational Settings Conference: “Reconnection and Repair”

Mobilising Organizational Change: Building Influence and Partnerships

Jenny Andrews, Director of Training, Office of the State Public Defender, California

Jeff Sherr, Director of Training, National Association for Public Defense







# Why is moral injury important in public defense?



**JP Andrews** @JennyPAndrews · 1d

The number of people who love public defense but are leaving public defense is a crisis that should concern us all.

Thirty-two of New Hampshire's public defenders have left in the last 15 months, about a quarter of the staff.

New Mexico is short more than 600 full-time public defenders for adult criminal and juvenile cases, and Oregon is short nearly 1,300 full-time public defenders for criminal defendants.

Assistant public defenders in MN authorize strike, say they're 'sounding the alarm' about broken system

Louisiana was short more than 1,400 full-time public defenders or nearly 80% of the attorneys needed to competently handle its public defense cases

Public defenders in Los Angeles county say they may strike

One In Four Kansas Public Defenders Quit Last Year, Leaving Agency 'In Crisis.' Apr 8, 2019

Eugene, Oregon Public defender shortage results in delayed trials, and it started long before pandemic

Maine — the only state in the U.S. without a public defender system — has lost since December about half of the 430 private attorneys who work defense cases on a contract basis.



# What Moral Injury Looks Like in Public Defense

# Moral Injury in Public Defense Forced Ineffectiveness



## Aspiration

MEET with clients early and often, review evidence and strategy, collaborate.

LITIGATE discovery, searches, racial justice motions, well-prepared trials.

COLLABORATE with interdisciplinary team on investigation, preparation, housing, and treatment

## Reality

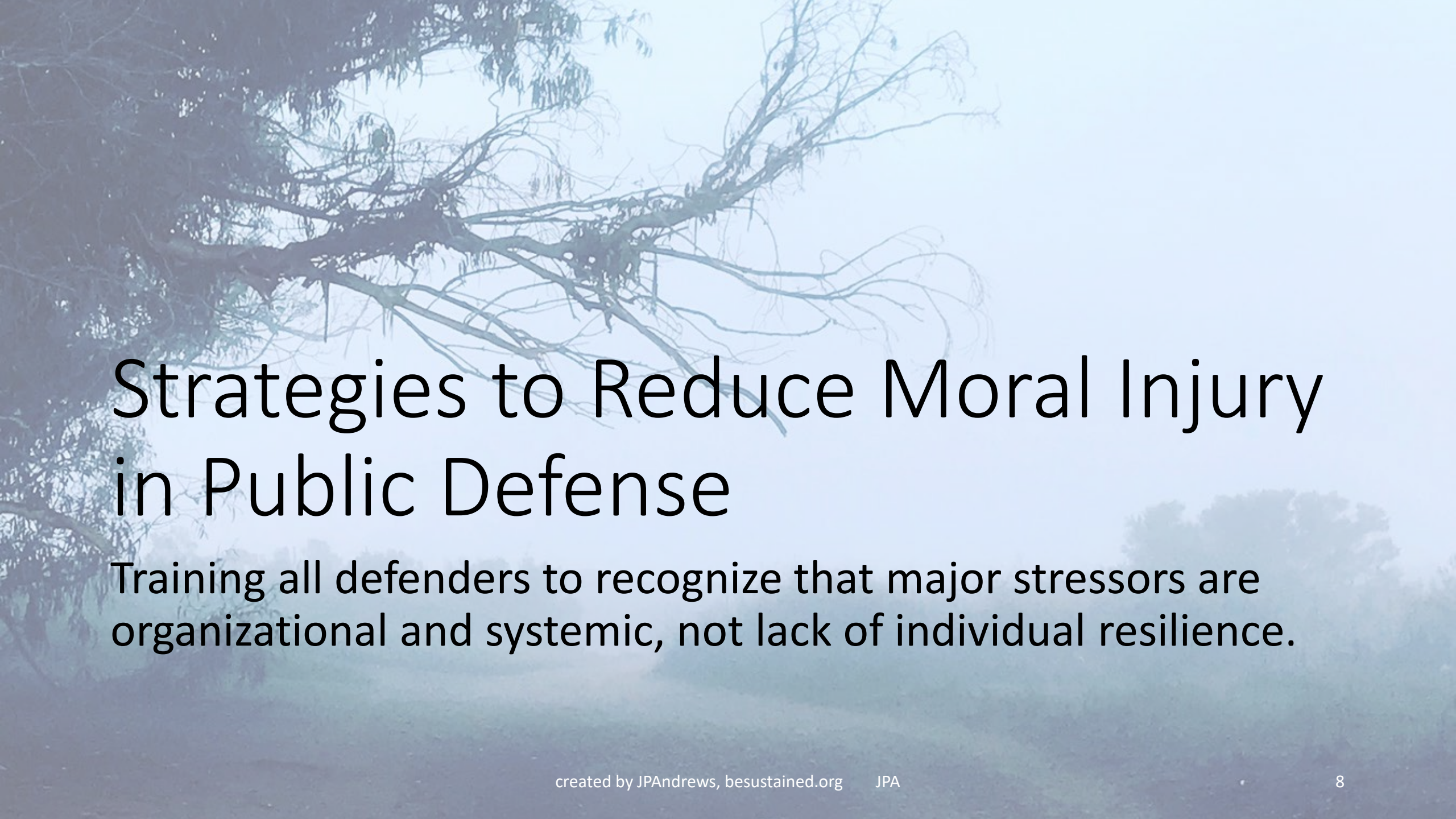
- Jail closures, lack of interpreters, lack of phone/zoom access.
- Staff shortages, no prep time, computer/tech obstacles, time on data entry.
- Insufficient resources for staffing, coverage, and to complete work.

# The “Deep Soul Wounds” of Public Defense



**BLACK LIVES MATTER**  
**PUBLIC DEFENDERS**





# Strategies to Reduce Moral Injury in Public Defense

Training all defenders to recognize that major stressors are organizational and systemic, not lack of individual resilience.



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defenders to  
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major stressors are  
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3 Major stressors on emotional health in indigent defense:

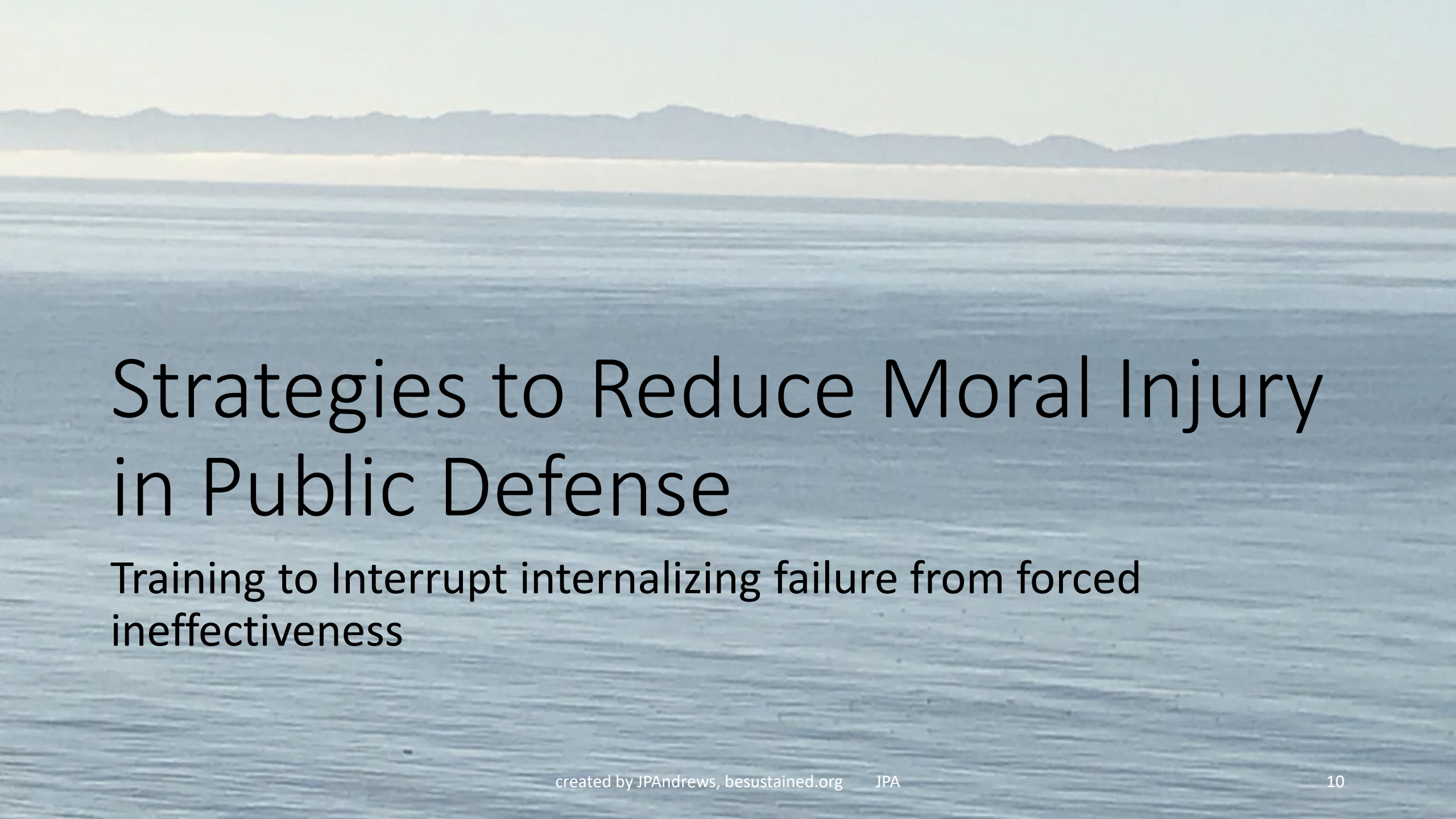
- (1) penal excess
- (2) economic divestment and
- (3) the criminalization of mental illness.

*2020 Study The Stress of Injustice: Public Defenders and the Frontline of American Inequality by Baćak, Valerio and Lageson, Sarah and Powell, Kathleen*

Organizational Contributions to Compassion Fatigue:

- Heavy caseloads-Long Hours
- Inefficient administration
- Excessive paperwork
- Inadequate resources to meet the demands
- Lack of supportive supervision.

*Keeping Legal Minds Intact: Mitigating Compassion Fatigue Among Legal Professionals ABA 2014*



# Strategies to Reduce Moral Injury in Public Defense

Training to Interrupt internalizing failure from forced  
ineffectiveness

# Reducing Moral Injury

Where are the opportunities to interrupt people internalizing feelings of failure—and to reinforce that systemic obstacles sometimes force ineffectiveness?





# Coaching leaders to coach line defenders:

When you hear *“I feel overwhelmed by my caseload, my inability to see my clients, and court closures.”*

## Replace individual focus language:

“I had it even worse when I started.”

“Your colleague \_\_\_\_\_ isn’t having any problem.”

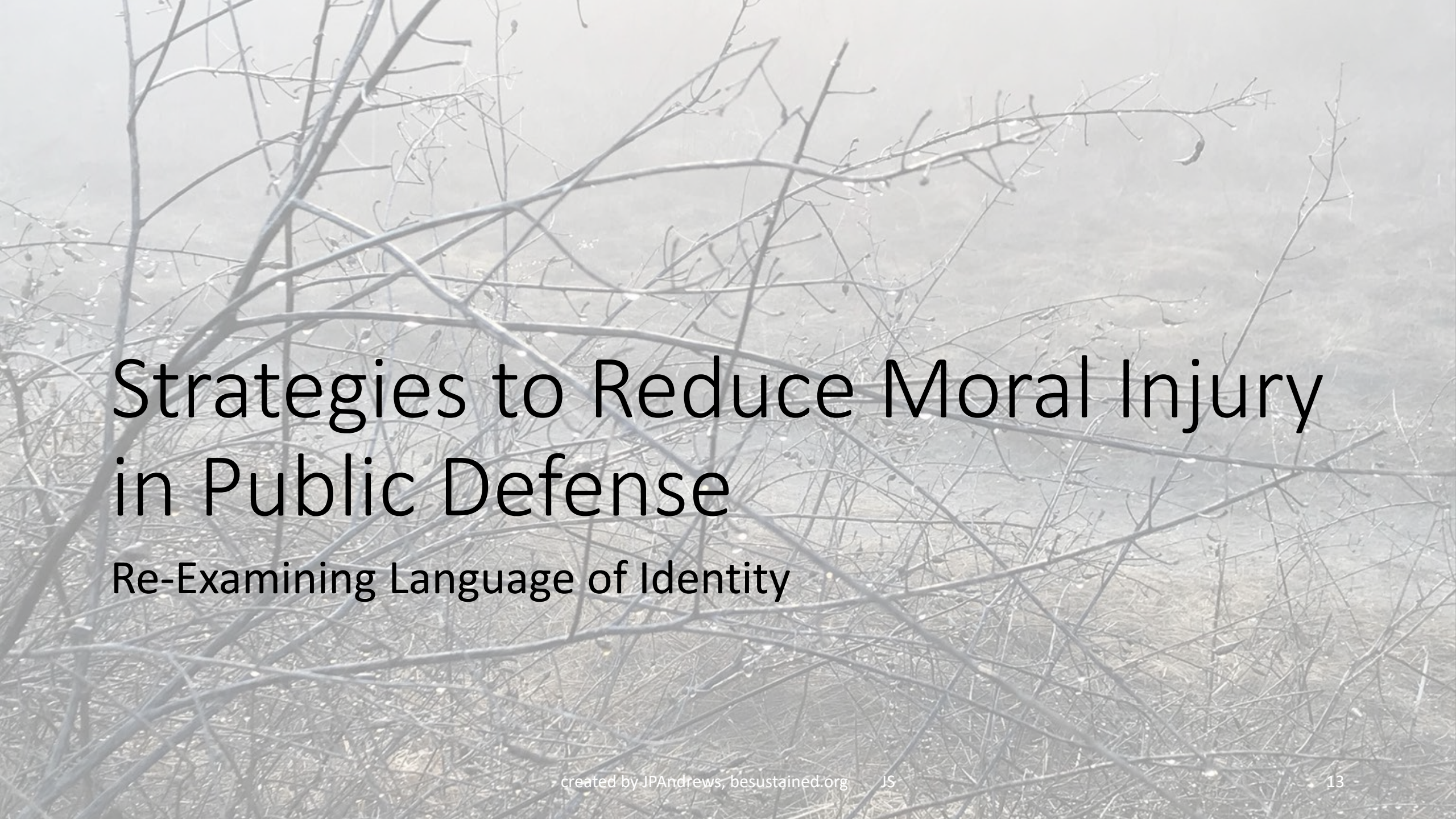
“We just need a little more from you.”

## With system/obstacle focus language:

“It’s a terrible obstacle that jail visits are closes. We’re doing \_\_\_\_\_ to try to address that.

How else can we support you while we’re continuing to work on that?”





# Strategies to Reduce Moral Injury in Public Defense

Re-Examining Language of Identity



# Language Around Identity

I am a public defender.

That isn't a job description.

That is my identity.

Melody Dernocoeur  
Memphis Public Defender

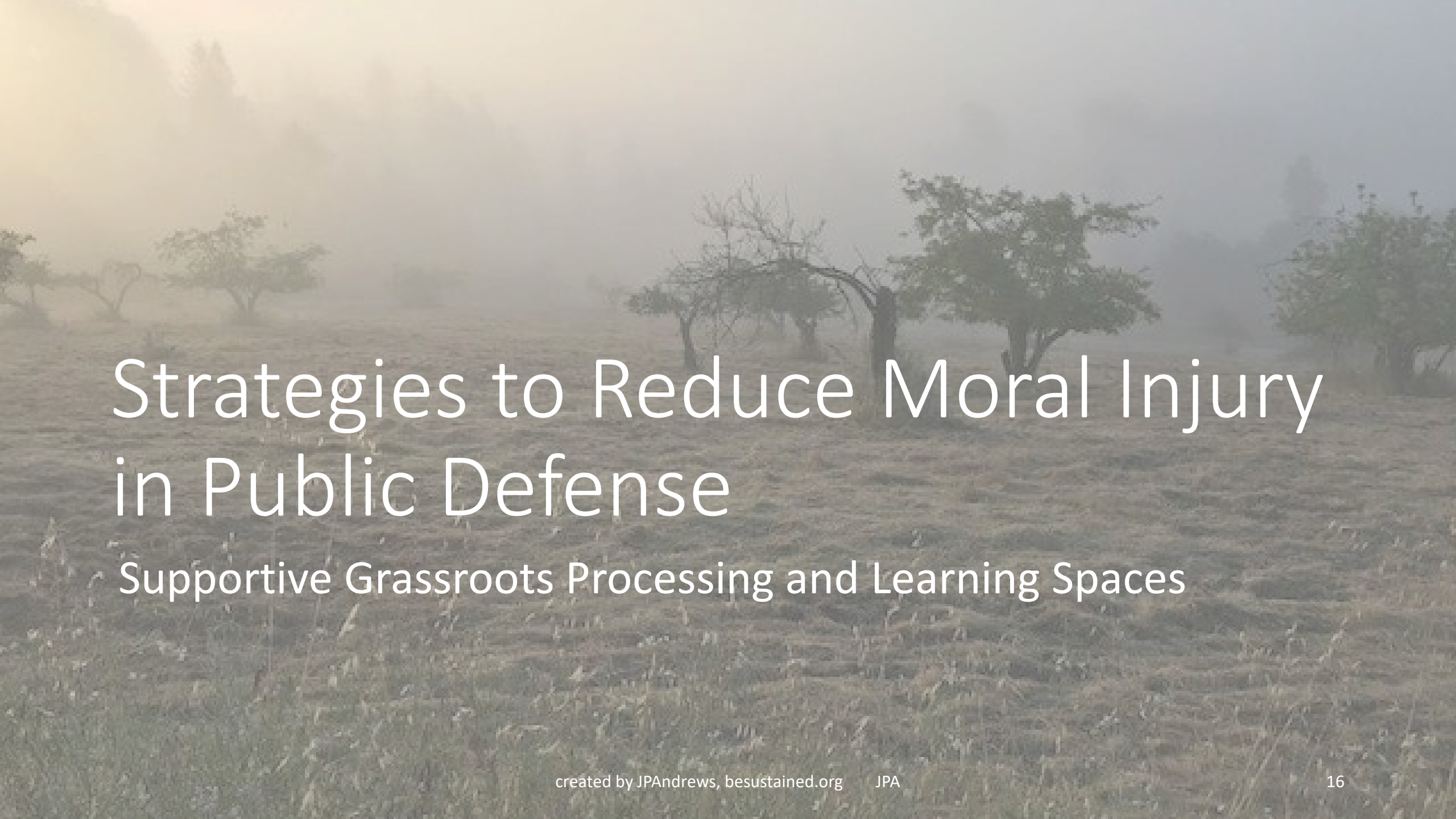




# 2023 Audit Report to the Capital Defense Community and Advocacy Movement

“You’re basically married to the work, and if you’re not married to the work, then you’re not doing all that you can for your client and then you’re going to kill your client, you know...”

“You know, some of my mentors would say things like, you know, you’ll sleep when you’re dead”



# Strategies to Reduce Moral Injury in Public Defense

Supportive Grassroots Processing and Learning Spaces

# Be Sustained

- Well Being for Public Defenders -

☰ MENU



## Be Well Wednesdays

12:10 Pacific/3:10 Eastern

Every Wednesday since September 2020

BWW Team: Jenny Andrews, Marilena David, Justin Heim, Tatiana Kline, John Lopez, Gina Pruski, Jeff Sherr

OFFICE OF THE  
STATE PUBLIC DEFENDER

Jenny Andrews | Instructor

Home / 2023 Sustaining and Supporting Well-Being in Public Defense



### 2023 Sustaining and Supporting Well-Being in Public Defense

This ten week course is intended for anyone working in indigent defense (in any job category), who want to increase their tools and strategies to sustain their own well-being and support the well-being of other public defenders. Working in public... more

Add - ↑ Reorder Edit course View as Learner ...

#### SECTION 1: INTRODUCTION: THE VALUE OF SUSTAINING WELL-BEING

Welcome to this Course (2 min video)





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106

**PUBLIC DEFENSELESS** WITH HUNTER PARN  
Featuring Garrett Miller and Brooke Longuevan, Public Defenders, LA County and PD Union Local 146

**BY UNIONIZING, LOS ANGELES COUNTY PUBLIC DEFENDERS HOPE TO ENGAGE WITH COMMUNITY ORGANIZATIONS AND ADVOCATE FOR POLICY VICTORIES IN WAYS THEY COULD NOT DO AS INDIVIDUAL PUBLIC DEFENDERS**



Because what we believe is that, most often that the best interests of our members



marylanddefendersunion



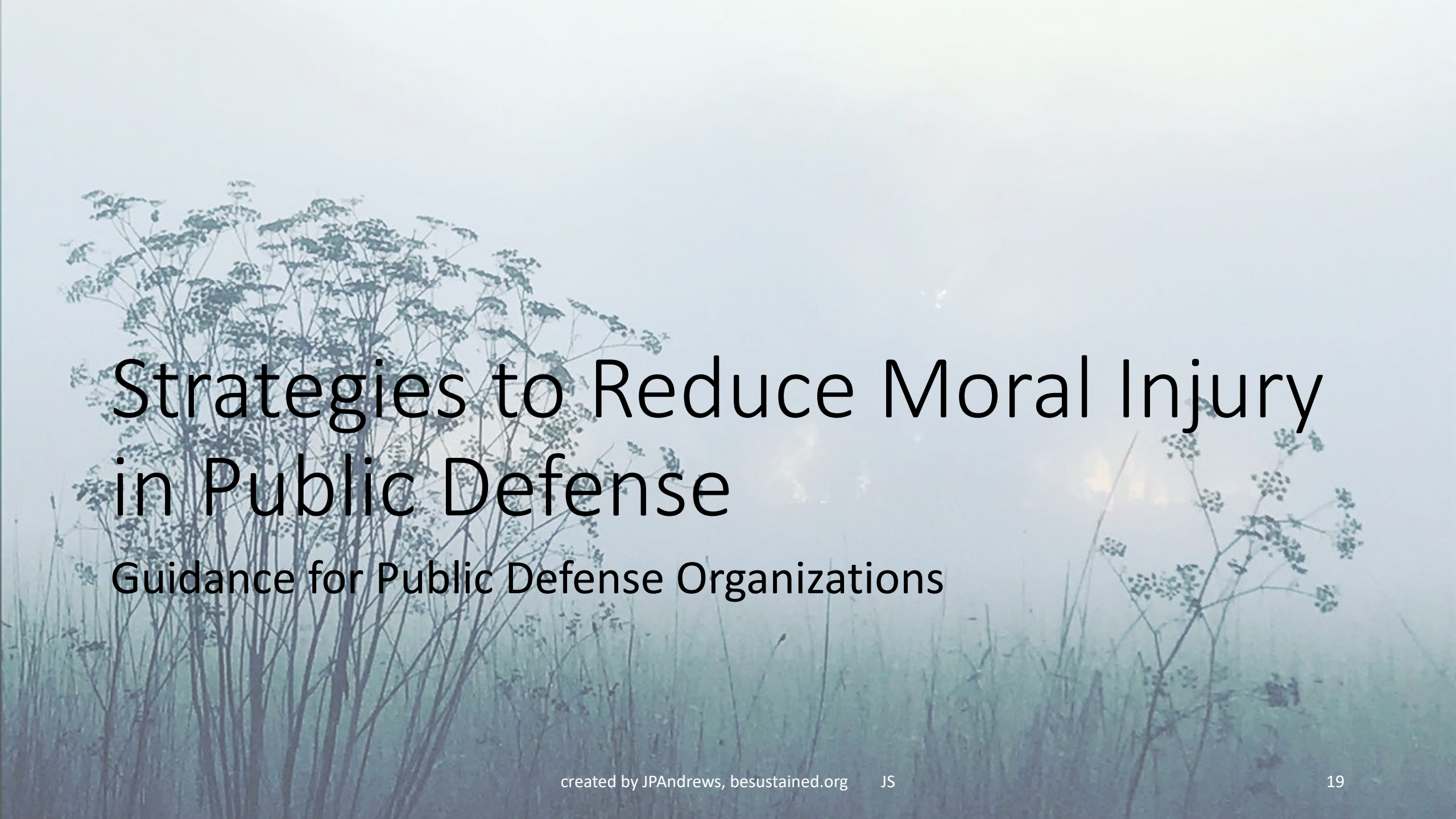
@marylanddefendersunion

**our clients are suffering because we don't have enough social workers**



29 likes

marylanddefendersunion OPD is woefully below national standards for social worker staffing, and our clients are suffering!



# Strategies to Reduce Moral Injury in Public Defense

Guidance for Public Defense Organizations



# Principles for Creating Sustainability in Public Defense

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Principle 1: Clients are best served by interdisciplinary teams that strive for well-being.

**"You can't  
pour from an  
empty cup"**



Principle 3: Leadership and supervisors model wellness and set standards for sustainability.



Principle 5: Leadership and staff actively seek to uphold principles of equity and inclusion while striving to create a welcoming environment for all.



Principle 6: The office normalizes and prepares for workplace absences.

A rustic wooden sign with the text "GONE FISHING" painted in white on a green wooden background. The sign is made of weathered, dark brown wood and is mounted on a green-painted wooden wall. The text is written in a simple, hand-painted font. The sign is slightly tilted and has a natural, irregular shape. The background is a green-painted wooden wall with vertical planks. The overall scene is outdoors, suggesting a fishing spot or a cabin.



# Reducing Moral Injury in Public Defense

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Training on moral injury

Specific skill building in using language to interrupt internalizing individual feelings of failure

Re-examining Language Around Identity

Create Supportive Processing and Learning Spaces

Create Guidance for Public Defense Organizations



Questions?